

**UNCLASSIFIED (U)**

## **9 FAM 403.11**

### **(U) NIV REVOCATION**

*(CT:VISA-2150; 04-29-2025)*  
*(Office of Origin: CA/VO)*

#### **9 FAM 403.11-1 (U) STATUTORY AND REGULATORY AUTHORITIES**

##### **9 FAM 403.11-1(A) (U) Immigration and Nationality Act**

*(CT:VISA-1; 11-18-2015)*

**(U)** INA 221(i) (8 U.S.C. 1201(i)).

##### **9 FAM 403.11-1(B) (U) Code of Federal Regulations**

*(CT:VISA-1; 11-18-2015)*

**(U)** 22 CFR 41.122.

#### **9 FAM 403.11-2 (U) NIV REVOCATION**

*(CT:VISA-1; 11-18-2015)*

**(U)** Regulations no longer distinguish between invalidation and revocation in cases when it is determined that the bearer of a visa is ineligible. The visa should be revoked in accordance with INA 221(i), 22 CFR 41.122 and this subchapter.

#### **9 FAM 403.11-3 (U) WHEN TO REVOKE A VISA**

##### **9 FAM 403.11-3(A) (U) When You May Revoke Visas**

*(CT:VISA-1948; 03-07-2024)*

**(U)** There are four circumstances under which you may revoke a visa:

- (1) **Unavailable**
- (2) **(U)** The individual is not eligible for the visa classification (this includes ineligibility under INA 214(b));

- (3) **(U)** The visa has been physically removed from the passport in which it was issued; or
- (4) **(U)** The individual is subject to an IDENT Watchlist record in System Messages for an arrest or conviction of driving under the influence, driving while intoxicated, or similar arrests/convictions (DUI) that occurred within the previous five years, pursuant to [9 FAM 403.11-5\(B\)](#) paragraph c, below.

## **9 FAM 403.11-3(B) (U) When You May Not Revoke A Visa**

*(CT:VISA-1463; 02-01-2022)*

- a. **(U)** You do not have the authority to revoke a visa based on a suspected ineligibility or based on derogatory information that is insufficient to support an ineligibility finding, other than a revocation based on driving under the influence (DUI). A consular revocation must be based on an actual finding that the individual is ineligible for the visa.
- b. **(U)** Under no circumstances should you revoke a visa when the individual is in the United States, or after the individual has commenced an uninterrupted journey to the United States, other than a revocation based on driving under the influence (DUI). Outside of the DUI exception, revocations of individuals in, or en route to, the United States may only be done by the Department's Visa Office of Screening, Analysis, and Coordination (CA/VO/SAC).

## **9 FAM 403.11-4 (U) REVOCATION PROCEDURES**

### **9 FAM 403.11-4(A) (U) Visa Revocations by Consular Officers**

*(CT:VISA-2088; 10-02-2024)*

**(U)** Although the decision to revoke a visa is a discretionary one, you should not use this authority arbitrarily. When practicable:

- (1) **(U)** Notify the individual of the intention to revoke the visa;
- (2) **(U)** Allow the individual the opportunity to show why the visa should not be revoked; and
- (3) **(U)** Request the individual to present the travel document in which the visa was issued.

### **9 FAM 403.11-4(A)(1) (U) Required Procedures**

*(CT:VISA-2088; 10-02-2024)*

- a. **(U) Informing Individual of Intent to Revoke Visa:**

- (1) **(U)** Notify the individual of the intent to revoke a visa if such notification is practicable. The notice of intent to revoke a visa affords the individual the opportunity to demonstrate why the visa should not be revoked. An after-the-fact notice that the visa has already been revoked is not sufficient unless prior notice of intent to revoke was not practicable.
  - (2) **(U)** A prior notification of intent to revoke a visa would not be practicable if, for instance, you do not know the whereabouts of the individual, or if the individual's departure is believed to be imminent. In cases where the individual can be contacted and travel is not imminent, prior notice of intent to revoke the visa is normally required, unless you have reason to believe that a notice of this type would prompt the individual to attempt immediate travel to the United States.
- b. **(U) Physical Cancellation of Visa:** If a decision to revoke the visa is reached after the case has been reviewed, print or stamp the word "REVOKED" in large block letters across the face of the visa. Also date and sign this action. If you are at a post other than the one where the visa was issued, the title and location of your post should be written below the signature.
  - c. **(U) If the Individual Possesses Another Valid U.S. Visa:** When you have taken action to revoke a visa, you should determine whether the individual holds another current U.S. visa in the same or another passport. You should revoke that visa as well, if the grounds for revoking the first visa apply to any other visa the individual may hold, or if independent grounds for revocation apply. In the latter case, if practicable, give the individual an opportunity to rebut or overcome that ground(s) of ineligibility.
  - d. **Unavailable**
  - e. **Unavailable**

## **9 FAM 403.11-4(A)(2) (U) When to Notify Department Regarding Revocation**

*(CT:VISA-1948; 03-07-2024)*

- a. **(U)** If a visa is physically cancelled before the individual's departure to the United States, then there is no need to report the revocation to the Department, except in cases involving A, G, C-2, C-3, or NATO visas.
- b. **(U)** L/CA, the Diplomatic Liaison Division (CA/VO/DO/DL), the Chief of Protocol (S/CPR), and the appropriate country desk should be promptly notified whenever any diplomatic or official visa, or any visa in the A, G, C-2, C-3, or NATO classification is revoked.
- c. **(U)** See [9 FAM 403.11-4\(C\)\(1\)](#) below for more information about notifying the Department of visa revocations that may have political, public relations, or law enforcement consequences.

## 9 FAM 403.11-4(B) Unavailable

(CT:VISA-2088; 10-02-2024)

- a. **Unavailable**
- b. **Unavailable**
- c. **(U)** See [9 FAM 402.8-8](#), Procedures to be Followed When Derogatory Information Received.

## 9 FAM 403.11-4(C) (U) Revoking Visas in Sensitive Cases

### 9 FAM 403.11-4(C)(1) (U) Keeping Department Informed in High Profile Cases

(CT:VISA-1948; 03-07-2024)

- a. **(U)** You should be alert to the political, public relations, and law enforcement consequences that can follow a visa revocation and should work with the Department to ensure that all legally available options are fully and properly assessed. The revocation of the visa of a public official or prominent local or international person can have immediate and long-term repercussions on our political relationships with foreign powers and on our public diplomacy goals in a foreign state. The visa laws must be applied to such persons like any others, recognizing that certain visa categories, particularly A's and G's, are not subject to the same standards of ineligibility as others. Hasty action, however, must be avoided in such high-profile visa cases and you should seek the Department's guidance before any visa revocation unless unusual and exigent circumstances prevent such a consultation. Consultation both within the mission and with the Department may result in a decision that the Department, rather than the consular officer, should undertake the revocation, since Department revocations pursuant to the Secretary's revocation authority provide more flexibility in managing the relevant issues.
- b. **(U) When to Consult with the Department:**
  - (1) **(U)** You are responsible for keeping the Department (CA/VO/SAC, CA/VO/F, L/CA, and the appropriate country desk) informed of visa actions that may affect our relations with foreign states or our public diplomacy, or that may affect or impede ongoing or potential investigations and prosecutions by U.S. and other cooperating foreign law enforcement agencies.
  - (2) **(U)** This is particularly true when you use the power granted under INA 221(i) as implemented in 22 CFR 41.122 and this section, to revoke the visas of officials of foreign governments, prominent public figures, and subjects or potential subjects of U.S. and foreign criminal investigations.

- (3) **(U)** In such cases, you should seek the Department's guidance before any visa revocation unless unusual and exigent circumstances prevent such a consultation. In the rare cases in which advance consultation is not possible, you should inform the Department immediately after the revocation.

c. **Unavailable**

## **9 FAM 403.11-4(C)(2) (U) Diplomatic and Official Visas**

*(CT:VISA-1650; 11-21-2022)*

**(U)** You must keep in mind that most A, G, C-2, C-3, and North Atlantic Treaty Organization (NATO) visa categories are exempt from most INA 212(a) ineligibility provisions per 22 CFR 41.21(d). Precipitant action must be avoided in cases involving foreign government officials and other prominent public figures. Consultations at post and with the Department might result in the decision that the Department, rather than the consular officer, should undertake the revocation. The Department's revocation authority provides more flexibility in managing relevant issues. For example, Department revocations may be undertaken prudentially, rather than based on a specific finding of ineligibility and are not subject to the 22 CFR 41.122 requirement with respect to notification to the individual.

## **9 FAM 403.11-4(C)(3) (U) When Revocation Subject is Subject of Criminal Investigation**

*(CT:VISA-2088; 10-02-2024)*

- a. **(U)** In cases in which the individual whose visa is revocable is also the subject of a criminal investigation involving U.S. law enforcement agencies, action without prior Department consultation and coordination could:
- (1) **(U)** Jeopardize an ongoing investigation;
  - (2) **(U)** Prejudice an intended prosecution;
  - (3) **(U)** Preclude apprehension of the subject in the United States;
  - (4) **(U)** Put informants at risk; or
  - (5) **(U)** Damage cooperative law enforcement relationships with foreign police agencies.
- b. **Unavailable**
- c. **(U)** In deciding what cases to report in advance to the Department, err on the side of prudence. It is always better to report cases requiring no Department action rather than having to inform the Department after the fact in a case that has adverse consequences for U.S. law enforcement or diplomatic interests. Contact CA/VO/SAC and other functional bureaus, as appropriate.

## 9 FAM 403.11-5 (U) REVOCATION OF VISAS BY THE DEPARTMENT

(CT:VISA-1948; 03-07-2024)

- a. **(U)** When the Department revokes a visa, when possible, a revocation notice will be sent to the consular section by email furnishing a point of contact in the Visa Office. You must follow the instructions in the revocation notice.
- b. **(U)** Although the Department is not required to notify an individual of a revocation done pursuant to the Secretary's discretionary authority, you should do so unless instructed otherwise, especially in cases where the revoked visa was issued to a government official.

## 9 FAM 403.11-5(A) (U) Notice to Department of Presence in United States

(CT:VISA-2150; 04-29-2025)

- a. **Unavailable**
- b. **(U)** Upon receipt of your report, the Department will decide whether the visa should be revoked. Alternatively, the Department may inform DHS of the data submitted and give DHS an opportunity to initiate proceedings under the pertinent provisions of INA 237. If the latter course is followed, the Department will request that DHS advise the Department of the individual's date of departure and destination, so the individual's *visa may be physically canceled after their* departure from the United States.

## 9 FAM 403.11-5(B) (U) Prudential Revocations

(CT:VISA-2150; 04-29-2025)

- a. **(U)** Although you usually may revoke a visa only if the individual is ineligible under INA 212(a), or INA 214(b), or is no longer entitled to the visa classification, the Department may revoke a visa if an ineligibility or lack of entitlement is suspected, when an individual would not meet requirements for admission, or in other situations where warranted. This is known as a "prudential revocation." In addition to the conditions described in [9 FAM 403.11-5\(A\)](#) above, the Department may revoke a visa when it receives derogatory information directly from another U.S. Government agency, including a member of the intelligence or law enforcement community. These requests are reviewed by CA/VO/SAC/RC, which forwards an electronic memo requesting revocation to a duly authorized official in the Visa Office, along with a summary of the available intelligence and/or background information and any other relevant documentation. When prudential revocation is approved, the subject's name is entered into CLASS, the visa case status is updated to "Revoke", and the revocation is communicated within the Department and to other agencies by the following means:

- (1) **Unavailable**
- (2) **Unavailable**
- (3) **Unavailable**

**b. Unavailable**

- c. (U) Prudential Revocation for Driving Under the Influence:** Either the consular section or the Department has the authority to prudentially revoke a visa based on a potential INA 212(a)(1)(A) ineligibility when an IDENT Watchlist Record appears in System Messages for a CJIS Search of US-VISIT or a CJIS Search of OBIM record. Before doing so, re-send the fingerprints to NGI to obtain a RAP sheet for an arrest or conviction of driving under the influence, driving while intoxicated, or similar arrests/convictions (DUI) that occurred within the previous five years. This does not apply when the arrest has already been addressed within the context of a visa application; i.e., the individual has been through the panel physician's assessment due to the arrest. This does not apply to other alcohol related arrests such as public intoxication that do not involve the operation of a vehicle. Unlike other prudential revocations, you do not need to refer the case to the Department but can prudentially revoke on your own authority. Process the revocation from the Spoil tab NIV and add P1A3 and VRVK lookouts from the Refusal window.

## **9 FAM 403.11-5(C) Unavailable**

(CT:VISA-2150; 04-29-2025)

**a. Unavailable**

**b. Unavailable**

**c. Unavailable**

- (1) **Unavailable**
- (2) **Unavailable**
- (3) **Unavailable**

**d. Unavailable**

**e. Unavailable**

## **9 FAM 403.11-6 (U) RECONSIDERATION OF REVOCATIONS**



## 9 FAM 403.11-6(A) (U) Reinstatement Following Revocation

(CT:VISA-2088; 10-02-2024)

### Unavailable

- (1) **Unavailable**
- (2) **(U) If Visa Has Been Revoked and Physically Canceled:** If a visa has been revoked and the revoked visa physically canceled, the individual may apply for a new visa; however, they may not travel on the physically cancelled visa.
- (3) **Unavailable**
- (4) **Unavailable**

## 9 FAM 403.11-7 (U) ACTIONS BY DHS

### 9 FAM 403.11-7(A) (U) Cancellation of Visas by Immigration Officers Under 22 CFR 41.122(e)

(CT:VISA-2088; 10-02-2024)

- a. **(U) When a visa is canceled by a DHS officer, one of the following notations will normally be entered in the individual's passport:**
  - (1) **(U)** Canceled. Adjusted;
  - (2) **(U)** Canceled. Excluded. DHS (Office) (Date);
  - (3) **(U)** Canceled. Application withdrawn. DHS (Office) (Date);
  - (4) **(U)** Canceled. Final order of deportation/voluntary departure entered DHS (Office) (Date) Canceled. Departure required. DHS (Office) (Date);
  - (5) **(U)** Canceled. Waiver revoked. DHS (Office) (Date); and
  - (6) **(U)** Canceled. Presented by impostor. DHS (Office) (Date).
- b. **(U)** Except when a visa is canceled after the individual's status has been adjusted to that of a permanent resident, DHS will inform the consular section that issued the visa of the cancellation action. The I-275, Withdrawal of Application/Consular Notification form, will be used to inform consular officers at the issuing office of the cancellation action. The I-275 form and any other attached forms should not be released to individuals or their representatives.



## **9 FAM 403.11-7(B) (U) Voidance of Counterfeit Visas**

*(CT:VISA-1275; 05-10-2021)*

**(U)** When DHS has determined through examination that a visa has been altered or is counterfeit, it will void the visa by entering one of the following notations on the visa page, together with the action officer's signature, title, and office location:

- (1) **(U)** Counterfeit visa per testimony of individual (file number); or
- (2) **(U)** Counterfeit visa per telecon, letter, e-mail from U.S. Embassy (U.S. Consul).

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